

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**

Bel Air, Maryland 21014

NOV 1 2007

Case No. 5631  
Date Filed 10-25-07  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$50.00

Shaded Areas for Office Use Only

**Type of Application**

**Nature of Request and Section(s) of Code** \_\_\_\_\_

\_\_\_\_\_ Administrative Decision/Interpretation

\_\_\_\_\_ Special Exception

\_\_\_\_\_ Use Variance

\_\_\_\_\_ Change/Extension of Non-Conforming Use

☒ Minor Area Variance

\_\_\_\_\_ Area Variance

\_\_\_\_\_ Variance from Requirements of the Code

\_\_\_\_\_ Zoning Map/Drafting Correction

CASE 5631 MAP 36 TYPE Variance ELECTION DISTRICT 02

LOCATION 3733 Level Village Road, Havre de Grace 21078

BY Mark and Patricia Smith

Appealed because a variance pursuant to Sec. 267-35B Table III of the Harford County Code to permit a covered porch to maintain a front yard setback of 62' (67' Required) in the RR District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Owner (please print or type)**

Name MARK ALLEN SMITH Phone Number 410 914 5025  
Address 3733 Level Village Road Havre de Grace MD 21078  
Street Number Street City State Zip Code

Co-Applicant Patricia A. Smith Phone Number SAME  
Address SAME  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 3733 Leuch Village rd,  
Naur De Grace, MD. 21078

Subdivision \_\_\_\_\_ Lot Number \_\_\_\_\_

Acreage/Lot Size .05 Election District second Zoning RR

Tax Map No. 36 Grid No. 4E Parcel 210 Water/Sewer: Private / Public \_\_\_\_\_

List ALL structures on property and current use: 3 Bedroom house & 2 car garage

Estimated time required to present case: 30

If this Appeal is in reference to a Building Permit, state number \_\_\_\_\_

Would approval of this petition violate the covenants and restrictions for your property? \_\_\_\_\_

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No /

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No /

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No /

## Request

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## Justification

see attached

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If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

October 16<sup>th</sup>, 2007

To Whom It May Concern:

We purchased our home in August of 1988 and at that time, a porch was already attached. This summer we decided to rebuild this porch due to serious deterioration. The porch that originally came with our home was at least thirty years old.

Our home was constructed with two foot eaves (overhangs) that would not allow us to install a storm door. Due to the high price of electricity, we felt that removing the eaves was necessary in order to install a storm door to enhance air flow throughout our house.

We were in the process of installing a roof over the porch when we were informed of the need for a building permit. In attempting to acquire a building permit, we were then informed of the encroachment situation.

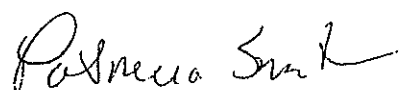
Thank you for your time and consideration, it is greatly appreciated. We hope you will allow us our variance. Our home has always had a porch, without it our home wouldn't feel complete.

Sincerely,

Mark Smith

A handwritten signature in cursive script, appearing to read "Mark Smith".

Patricia Smith

A handwritten signature in cursive script, appearing to read "Patricia Smith".

2000  
3000

Northeast Right of Way Line  
of Maryland Route 155 as  
shown on S.R.C. Plat No. 19594

R=7031.49'  
327.72'

N 64°49'31" W  
(Chord) 327.69'

Parcel 94  
TAX MAP 2000

Parcel 1

2.72 Acres m/l

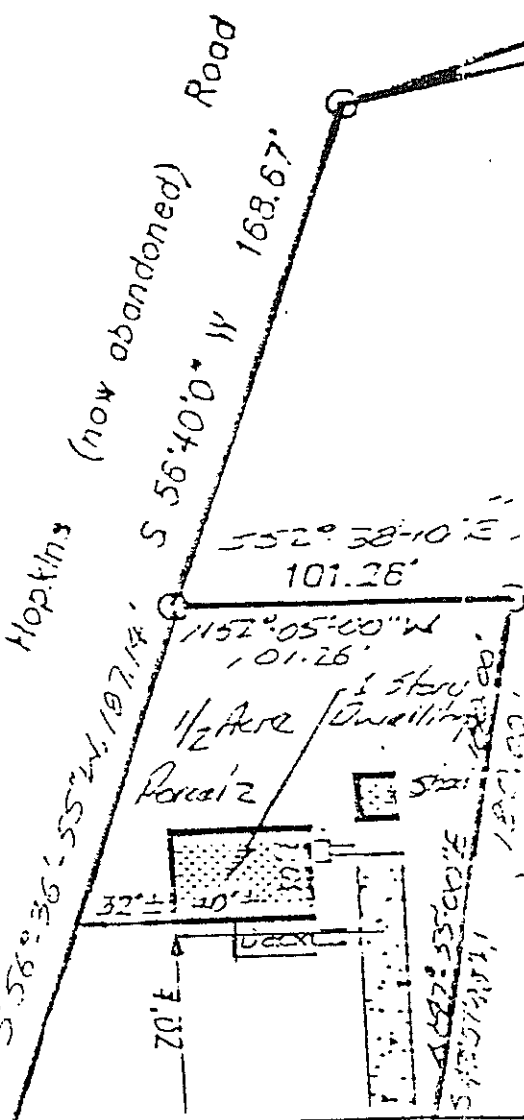
N 37°01'0" E 406.45'

1" = 60'

EXISTING CURB

1 Story  
House

WELL



S 52°38'10" E 101.26' S 56°40'0" W 168.67' S 56°36'35" W 197.14' S 52°30'0" E 310.50'

P.O.B. #2

P.O.B. #1

LEVEL

VILLAGE

RC

(Formerly Old Level Road)

210191

**DAVID R. CRAIG**  
HARFORD COUNTY EXECUTIVE

**LORRAINE COSTELLO**  
DIRECTOR OF ADMINISTRATION



**C. PETE GUTWALD**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 7, 2007

### STAFF REPORT

### **BOARD OF APPEALS CASE NO. 5631**

APPLICANT/OWNER: Mark Allen Smith  
3733 Level Road, Havre de Grace, Maryland 21078

Co-APPLICANT: Patricia A. Smith  
3733 Level Road, Havre de Grace, Maryland 21078

REPRESENTATIVE: Applicants

LOCATION: 3733 Level Road  
Tax Map: 36 / Grid: 4E / Parcel: 210  
Election District: Second (2)

ACREAGE: 0.5 acres

ZONING: RR/Rural Residential

DATE FILED: October 25, 2007

HEARING DATE: January 16, 2008

### APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

### CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-35B Table III of the Harford county Code to permit a front porch to maintain a front yard setback of 62 feet (67 feet required) in RR/Rural Residential District.

*Preserving Harford's past; promoting Harford's future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

## STAFF REPORT

Board of Appeals Case Number 5631

Mark & Patricia Smith

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Enclosed with the report is a copy of Section 267-35B Table III of the Harford County Code (Attachment 2).

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicant's property is situated on the south side of Level Village Road just west of Darlington Road (MD Route 161). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside the Development Envelope. The predominant land use designation is Agricultural. The Natural Features Map reflects Agricultural Preservation Districts and Easements and Stream Systems. The subject property is located within the Agricultural designation which is defined by the 2004 Master Plan as:

*Agricultural – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of the Greater Aberdeen- Havre de Grace Community Area Map, the 2004 Land Use Map and the Natural Features Map (Attachments 5, 6 and 7).

#### **Land Use – Existing:**

The existing land uses generally conform to the overall intent of the Master Plan. The predominant land use is Agriculture and residential. The topography in this area of the County ranges from rolling to steep especially near the major stream valleys and their tributaries. Enclosed with the report are an aerial photograph and a copy of the topography map (Attachments 8 and 9).

The Applicant's property sits on the south side of Level Village Road approximately 400 feet west of Darlington Road (MD Route 161). It is approximately one half acre in size and rectangular in shape. The land adjoining to the rear and right side is approximately 2.72 acres and is also owned by the Applicant.

Improvements consist of a frame one story rancher with a covered front porch, a frame two car detached garage located to the right and rear of the dwelling, a frame shed located to the rear of the garage and a split rail fence across the front of the property. The front porch and the roof over the front porch which are the subject of this case have been substantially completed. Enclosed with the report are site photographs, a topography map and aerial photographs (Attachments 10, 11 and 12).

## STAFF REPORT

Board of Appeals Case Number 5631

Mark & Patricia Smith

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The site inspection revealed an untagged car and a commercial vehicle. The untagged car needs to be tagged or stored within the garage. The commercial vehicle must be removed.

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications in this area of the County are AG/Agricultural and RR/Rural Residential. There are also areas zoned B2/Neighborhood Business District. The subject property is zoned RR/Rural Residential District as shown on the enclosed copy of the zoning map (Attachment 13).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-35B Table III of the Harford County Code to permit a front porch to maintain a front yard setback of 62 feet (67 feet required) in RR/Rural Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. There has been a porch on the front of the house for over 30 years. The reduced setback will not adversely impact adjacent properties, traffic along the road or the intent of the code.

### RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions:

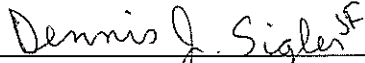
1. The Applicant shall obtain all necessary permits and approvals for the porch.
2. The untagged vehicle shall be legally tagged, stored in the garage or removed from the property.
3. The commercial vehicle shall be removed from the property.

STAFF REPORT

Board of Appeals Case Number 5631

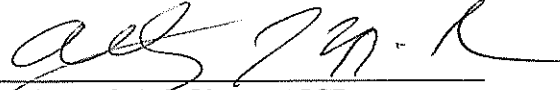
Mark & Patricia Smith

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Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf

Handwritten signature of Anthony S. McClune in black ink, written over a horizontal line.

Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning